

**Arizona Criminal Justice Commission**  
**Minutes**  
**May 25, 2006**

A public meeting of the Arizona Criminal Justice Commission was convened on May 25, 2006 at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

**Members Present:**

J.T. McCann, Chairperson, Chief, Flagstaff Police Department, Brent Cooper representing  
Robert Carter Olson, Vice-Chairperson, Pinal County Attorney  
Joseph Arpaio, Maricopa County Sheriff, Jesse Locksa representing  
David Byers, Director, Administrative Office of the Courts, Kathy Waters representing  
Clarence Dupnik, Pima County Sheriff, George Heaney representing  
Tony Estrada, Santa Cruz County Sheriff  
Jennifer Eckstrom, Mayor, South Tucson  
Terry Goddard, Attorney General, Cameron Holmes representing briefly  
Daniel Hughes, Chief, Surprise Police Department  
Barbara LaWall, Pima County Attorney  
Richard Miranda, Chief, Tucson Police Department, Kermit Miller representing  
Ralph Ogden, Yuma County Sheriff  
Dora Schriro, Director, Department of Corrections, Gary Phelps representing  
Linda K. Scott, Former Judge  
Andrew P. Thomas, Maricopa County Attorney, Phil MacDonnell representing  
Roger Vanderpool, Department of Public Safety, Georgene Ramming representing

**Members Absent:**

Duane Belcher, Chairperson, Board of Executive Clemency  
Tommie Cline Martin, Gila County Supervisor

**Legal Counsel Present:**

Nancy Beck, Assistant Attorney General

**Staff Participating:**

John A. Blackburn, Jr., Executive Director  
Mary Marshall, Public Information Officer  
Kathy Karam, Program Manager  
Tony Vidale, Program Manager  
Wendy Boyle, Executive Secretary

**I. Call to Order and Roll Call**

The meeting was called to order by Vice Chairperson Carter Olson at 1:30 p.m. Roll was taken and a quorum was declared present. Vice Chairperson Carter Olson introduced and welcomed Jennifer Eckstrom as a new commission member.

**II. Minutes of the March 30, 2006 Meeting**

Vice Chairperson Carter Olson called for a motion on the minutes. Commissioner Barbara LaWall entered a motion to approve the minutes of the March 30, 2006 meeting. The motion seconded by Commissioner Ralph Ogden passed unanimously.

**III. Executive Director's Report**

**A. Staff Update and Programs Review**

Director Blackburn updated the Commission on the newly hired SAC Director starting in June and ACJC's participation in the hiring of the new director of High Intensity Drug Trafficking Area (HIDTA). Director Blackburn also informed the Commission of the planned Sunset Review strategic planning meeting at Pow Wow and invited their participation.

**B. Discussion of meeting schedules**

Director Blackburn informed the Commission that staff would like to hold a meeting in southern Arizona in the spring. The spring meeting could include participation from other law enforcement agencies.

**C. *Presentation of legislative issues for the 2006 session***

Mary Marshall, Public Information Officer updated the Commissioners on state and federal legislative issues. Ms. Marshall explained that ACJC sought sponsorship on HB 1038, which was signed into law. This provision allows: 1.) ACJC to accept and expend grant monies to investigate or prosecute and adjudicate any crime; and 2.) Authorizes ACJC to accept and expend grant monies to implement statutes relating to ACJC. Other issues on the state front include budget and immigration concerns such as border security funding which may have an impact on other funding mechanisms. On the federal front, the House and Senate passed budget resolutions calling for an increase in JAG funding back to 2004 levels.

The Executive Director's report was presented for informational purposes and did not require Commission action.

**IV. *Byrne/JAG Formula Grant Program***

Director Blackburn explained to the Commission that states are being asked to prove the value of the programs being funded and to show program effectiveness by using performance measures to evaluate grants. This is being done in an effort to convince Congress to continue funding grants like the Byrne/Jag program. Arizona task forces are competing statewide as well as nationally for funding that is significantly reduced each year. ACJC has been selected as a model to show other states how to implement performance measures with grant applications.

Kathy Karam, Program Manager presented the recommendation of the Drug, Gang and Violent Crime Committee that the Commission award \$12,041,555 for the Byrne/JAG Cycle 20 grant for the fiscal year beginning July 1, 2006 and ending June 30, 2007. Commissioner Ralph Ogden explained that each agency would be contacted within the next six months for input on developing performance measures to evaluate grant funded projects. Commissioner Ralph Ogden motioned that the recommendation of the Committee be accepted, adopting the funding proposal as shown in revised Table #1. The motion seconded by Designee Phil MacDonnell passed unanimously.

**V. *Residential Substance Abuse Treatment Program***

Kathy Karam, Program Manager presented the recommendation of the Drug, Gang and Violent Crime Committee that the Commission award \$491,920 in federal and local cash match funds for FY07. Commissioner Ralph Ogden motioned that the recommendation of the Committee be accepted, adopting the funding proposal as shown in Table #1 on page 19 of the agenda. The motion seconded by Designee Jesse Locksa passed unanimously.

**VI. *Special Prosecution Grants***

**A. *Aggravated Domestic Violence Prosecution, Obscenity Prosecution and Sexual Exploitation of Children Investigation/Prosecution Grant Awards***

Kathy Karam, Program Manager presented the recommendation of the Drug, Gang and Violent Crime Committee that the Commission award \$391,000 in FY07 Special Prosecution funds for grants beginning July 1, 2006 and ending June 30, 2007. Commissioner Ralph Ogden motioned that the recommendation of the Committee be accepted, adopting the funding proposal as shown in Table #2 on page 22 of the agenda, with the stipulation that the awards are dependent on appropriation of funds by the Arizona State Legislature. The motion seconded by Commissioner Dan Hughes passed unanimously.

**B. *Gang Prosecution Grant Awards***

Kathy Karam, Program Manager presented the recommendation of the Drug, Gang and Violent Crime Committee that the Commission award \$603,200 in Gang Prosecution funds for the fiscal year beginning July 1, 2006 and ending June 30, 2007. Commissioner Ralph Ogden motioned that the recommendation of the Committee be accepted, adopting the funding proposal as shown in Table #2 on page 25 of the agenda, with the stipulation that the awards are dependent on appropriation of funds by the Arizona State Legislature. The motion seconded by Commissioner Dan Hughes passed unanimously.

## **VII. Crime Victim Compensation Program Rules**

Commissioner Terry Goddard entered a motion to go into Executive Session for legal advice. The motion seconded by Commissioner Ralph Ogden passed unanimously. The Commission went into Executive Session at approximately 2:20 p.m. to obtain advice on this agenda item from Legal Counsel Nancy Beck. The Commission ended the Executive Session at 2:58 p.m. Assistant Attorney Nancy Beck provided the following information based on her review of federal statute. Under the Federal Public Benefit (FPB), the law limits benefits to US citizens, US nationals, and qualified aliens. Since the Office of Victims of Crimes (OVC) has not provided guidance, participating agencies can not inquire about citizenship as it relates to crime victims services. Vice Chairperson Carter Olson summarized the following: 1.) The Commission previously voted to seek legal advice from the Attorney General's office; 2.) The Commission previously directed inquiries to the federal government; 3.) The Commission ordered footnotes to be added to the rules noting the fact that the question of eligibility is under review subject to legal opinion of the federal government. The consensus of the Commission is to continue the rulemaking process as it does not relate to this issue and not to inquire on the citizenship of applicants. This agenda item was presented for informational purposes and did not require Commission action.

## **VIII. Crime Victim Compensation Program**

### ***A. Designation of Operational Units***

Tony Vidale, Program Manager presented the recommendation of the Crime Victims Committee that the Commission designate the fifteen County Attorneys' offices as the operational units for the fiscal year beginning July 1, 2006 and ending June 30, 2007. Commissioner Linda Scott motioned that the fifteen County Attorneys' offices be designated as the operational units for FY07 as proposed. The motion seconded by Commissioner Barbara LaWall passed unanimously.

### ***B. FY07 Crime Victim Compensation Program Budget***

Tony Vidale, Program Manager presented the recommendation of the Crime Victims Committee that the Commission set a \$2,300,000 program size with \$50,000 retained in reserve as required by Program Rule R10-4-102, D. Commissioner Linda Scott motioned that the Commission adopt a \$2,300,000 budget, setting aside \$50,000 for emergency use as required by the program rules. The motion seconded by Commissioner Barbara LaWall passed unanimously.

### ***C. FY07 Crime Victim Compensation Program Allocations***

Tony Vidale, Program Manager presented the recommendation of the Crime Victims Committee that the Commission allocate funds to the designated operational units in the state's fifteen counties. Commissioner Linda Scott motioned that the funds be distributed according to the approved formula as shown on page 31 of the agenda. The motion seconded by Commissioner Barbara LaWall passed unanimously.

### ***D. Redistribution of FY06 state Victim Compensation Funds***

Tony Vidale, Program Manager presented the recommendation of the Crime Victims Committee that the Commission redistribute Crime Victim Compensation funds for FY06 to eligible operational units. The funds expire June 30, 2006 and must be expended by the operational unit by that date. The Commission asked staff to review the criteria and formula used for redistribution of funds. Commissioner Linda Scott motioned that the funds be distributed to the operational units as shown on page 33 of the agenda. The motion, seconded by Designee Jesse Locksa, passed unanimously.

## **IX. Crime Victim Assistance Program (This item followed Item VI-B)**

### ***A. Consideration of La Paz County and Santa Cruz County Victim Assistance Grant Applications***

Tony Vidale, Program Manager explained to the Commission that due to transitional and personnel problems within the La Paz County Attorney's office and the Santa Cruz County Attorney's Office the agencies were unable to meet the Victim Assistance Grant Application deadline. Martin Brannan, La Paz County Attorney and Gina Woods, Victim Advocate spoke on the agency's behalf. Designee Jesse Locksa motioned that the Commission accept the late La Paz County and Santa Cruz County Victim Assistance grant applications. The motion seconded by Commissioner Barbara LaWall passed unanimously. The Commission suggested staff address deadline criteria for future grant applications.

### ***B. FY07 Criminal Justice Government Agencies Grant Awards***

Tony Vidale, Program Manager presented the recommendation of the Crime Victims Committee that the Commission distribute a total of \$450,000 to criminal justice agencies represented on the Commission. Commissioner Linda Scott explained the approval of Item IX-A changes the recommendation of the Crime Victims Committee. Commissioner Scott motioned that the Commission award the funds to the applicant agencies as presented in Option #2, Table #1A on page 44 of the agenda. The motion seconded by Designee Georgene Ramming passed unanimously.

**C. *FY07 Nonprofit and other Governmental Agencies Grant Awards***

Tony Vidale, Program Manager presented the recommendation of the Crime Victims Committee that the Commission distribute a total of \$450,000 to nonprofit and other governmental agencies not represented on the Commission. Commissioner Linda Scott motioned that the Commission award the funds according to the applicant agencies as presented in Option #2, Table #1A on page 44 of the agenda. The motion seconded by Designee Georgene Ramming passed unanimously.

**X. *Call to the Public***

Vice Chairperson Olson made a call to the public. No members of the audience addressed the Commission.

**XI. *Date, Time, and Location of Next Meeting***

The next Arizona Criminal Justice Commission meeting will be held on Thursday, July 13, 2006 at 2:00 p.m. at the Pow Wow, Little America, Flagstaff, AZ.

**XII. *Adjournment***

The meeting was adjourned 3:35 p.m.

Respectfully submitted,

John A. Blackburn, Jr.  
Executive Director

Audio recording is available upon request.